

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF: Jo-Wen Lin  
SERIAL NO: Not assigned                      GROUP ART UNIT: Not assigned  
FILED: Herewith                      EXAMINER: Not assigned  
CUSTOMER NO.: 27162  
FOR: Spinal Implant Insertion Adjustment Instrument and Implants For  
Use Therewith  
ATTY/DKT NO.: 525400-326

MS Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

SIR:

Pursuant to 37 C.F.R. §1.56(a), Applicant(s) hereby cite(s) the enclosed documents listed on the attached copy of Form PTO-1449 which are believed to be material to the patentability of the above-identified application.

This Information Disclosure Statement is filed in accordance with the paragraph of 37 CFR §1.97 indicated below:

  X   §1.97(b) This Information Disclosure Statement is filed:

- (1) Within three months of the filing date of a national application; OR
- (2) Within three months of the date of entry of the national stage of an international application; OR
- (3) Before the mailing of a first Office Action on the merits.  
No fee or statement is required.

       §1.97(c) This Information Disclosure Statement is filed after the period specified in paragraph (b) above, but before the mailing date of either:

- (1) A Final Action or under 37 CFR §1.113; OR
- (2) A Notice of Allowance under 37 CFR §1.311; AND

is accompanied by either: (check one)

       The statement as specified in 37 CFR §1.97(e) set out below; OR

       The fee of \$180.00 under 37 CFR §1.17(p).

\_\_\_§1.97(d) This Information Disclosure Statement is filed after the mailing date of either:

- (1) a Final Action or under 37 CFR §1.113; OR
- (2) A Notice of Allowance under 37 CFR §1.311;

BUT filed on or before payment of the Issue Fee; AND  
is accompanied by:

- (1) The statement as specified in 37 CFR §1.97(e) as set forth below; AND
- (2) Petition is hereby made under 37 CFR §1.97(d) for consideration of this Information Disclosure Statement; AND,
- (3) The petition fee of \$180.00 set out in 37 CFR §1.17(i).

\_\_\_§1.97(e) The undersigned Attorney hereby states that:

\_\_\_ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of this Information Disclosure Statement;  
or

\_\_\_ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, or to the knowledge of the undersigned Attorney after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing date of the Information Disclosure Statement.

The Commissioner is authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 03-0678.

Respectfully submitted,  
Jo-Wen Lin

  
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Form PTO-1449  <b>INFORMATION DISCLOSURE STATEMENT</b>				Atty. Docket: 525400-236		Serial No.: Not assigned	
				Applicant: Jo-Wen Lin			
				Filing Date: Herewith		Group: Not assigned	
U.S. PATENT DOCUMENTS							
Examiner Initial		Document Number	Date	Name	Class	Sub-Class	Filing Date
	A1	4,349,921	Sept. 21, 1982	Kuntz	3	1	June 16, 1980
	B1	4,878,915	Nov. 7, 1989	Brantigan	623	17	Jan. 4, 1989
	C1	5,192,327	March 9, 1993	Brantigan	623	17	March 22, 1991
	D1	5,522,899	June 4, 1996	Michelson	623	17	June 7, 1995
	E1	5,645,598	July 8m, 1997	Brosnahan III	623	17	April 15, 1996
	F1	5,772,661	June 30, 1998	Michelson	606	61	Feb. 27, 1995
	G1	2002/0016592	Feb. 7, 2002	Branch et al.	606	61	May 30, 2001
	H1	2002/0022845	Feb. 21, 2002	Zdeblick et al.	606	80	Dec. 21, 2000
	I1	5,256,064	Oct. 26, 1993	Riihimaki et al.	433	141	March 19, 1992
	J1	5,425,772	June 20, 1995	Branitgan	623	17	Sept. 20, 1993
	K1	5,683,469	Nov. 4, 1997	Johnson et al.	623	20	June 7, 1995
	L1	6,099,311	Aug. 8, 2000	Wagner et al.	433	163	July 28, 1999
	M1	6,113,639	Sept. 5, 2000	Ray et al.	623	17	March 23, 1999
FOREIGN PATENT DOCUMENTS							
Examiner Initial		Document Number	Date	Country	Class	Sub-Class	Translation
	N1						<input type="checkbox"/> Yes <input type="checkbox"/> No
	O1						<input type="checkbox"/> Yes <input type="checkbox"/> No
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)							
	P1	Crock, Henry V., <u>Practice of Spinal Surgery</u> , pp. 64-92, Springer-Verlag/Wein, New York (1983)					
	Q1	Hirabayashi, Kiyoshi, <u>Lumbar Interbody Fusion</u> , pp. 127—131, Aspen Publishers, Inc., Rockville, Maryland (1989)					
	R1	<u>Spinal Fusion Science and Technique</u> , p. 152, Springer-Verlag, New York, (1990)					
	S1	Robert D. Fraser, MBBS, MD, FRACS, <u>SPINE</u> , Vol 20, No. 245, pp 1675—1775, Lippincott-Raven Publishers (1995)					
	T1	Cloward, M.D., Ralph B., <u>Lumbar Intervertebral Disc Surgery</u> , unknown source (1952)					
Examiner:					Date Considered:		
<b>EXAMINER:</b> Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.							

Form PTO-1449  <b>INFORMATION DISCLOSURE STATEMENT</b>				Atty. Docket: 525400-326		Serial No.: Not assigned	
				Applicant: Jo-Wen Lin			
				Filing Date: Herewith		Group: Not assigned	
<b>U.S. PATENT DOCUMENTS</b>							
Examiner Initial		Document Number	Date	Name	Class	Sub-Class	Filing Date
	A2	6,193,726	Feb. 27, 2001	Vanney	606	108	Jan. 15, 1999
	B2	2001/0021853	Sept. 13, 2001	Heckele et al.	606	99	March 9, 2001
	C2	2002/0019637	Feb. 14, 2002	Frey et al.	606	85	May 15, 2001
	D2	2002/0072752	June 13, 2002	Zucherman et al.	606	99	Oct. 31, 2001
	E2	2002/0111679	Aug. 15, 2002	Zucherman et al.	623	17.11	Oct. 16, 2001
	F2						
	G2						
	H2						
	I2						
<b>FOREIGN PATENT DOCUMENTS</b>							
Examiner Initial		Document Number	Date	Country	Class	Sub-Class	Translation
	N2						<input type="checkbox"/> Yes <input type="checkbox"/> No
	O2						<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>OTHER (Including Author, Title, Date, Pertinent Pages, etc.)</b>							
	P2	Janssen, Michael E. et al., <u>Biological Cages</u> , Eur Spine J (Suppl1): S102-S109, Springer-Verlag (2000)					
	Q2	White III, MD, Augustus A., DMed Sci, <u>Clinical Biomechanics of the Spine</u> , 2 <sup>nd</sup> Ed., pp 547—563, Lippincott-Raven, Philadelphia					
	R2	<u>Campbell's Operative Orthopaedics</u> , Vol 5, 8 <sup>th</sup> Ed., pp. 3505 – 3509, Mosby Year Book, Inc. (1992)					
	S2	Crock, H. V. M.D., M.S., F.R.C.S., F.R.A.C.S., <u>Clinical Orthopaedics and Related Research</u> , No. 165, May1982, pp. 157 –163, J.B. Lippincott Co.					
		LifeNet Product Information , <u>VG2 Interbody Bone Grafts</u> , 2000					
		Miltex Instrument Company, Inc. <u>Miltex Surgical Instruments</u> , 1986					
		Johnson & Johnson Professional, Inc., <u>Codman Surgical Products Catalog</u> , 1996					
	T2						
Examiner:					Date Considered:		
<b>EXAMINER:</b> Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.							